

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLOS A. AGUIAR)	
Plaintiff)	
)	
v.)	C.A. No. 04-12011-MLW
)	
LIMA & CURA FISHING CORPORATION)	
Defendant)	

ORDER

WOLF, D.J. September 12, 2006

For the reasons stated in court on September 8, 2006, it is hereby ORDERED that:

1. The defendant's Motion for Summary Judgment (Docket No. 22) is DENIED.

2. The plaintiff's Cross-Motion for Partial Summary Judgment on the Issue of Contributory Negligence (Docket No. 23) is DENIED.

3. The plaintiff's Motion to Strike Exhibit B From Defendant's Motion for Summary Judgment (Docket No. 24) is DENIED.

4. The defendant's Motion to Strike Portions of Exhibit A, Affidavit of Carlos Aguiar (Docket No. 35) is DENIED.

5. The plaintiff's Motion to Strike the Affidavit of David C. DuBois (Docket No. 37) is DENIED.

6. The parties shall comply with the attached Pretrial Order.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE